

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2003 Legislative Session

Legislative Day # 6

BILL NO. 2003-03

Introduced by: County Commissioners

Neighborhood Conservation Areas

in the

Rural Conservation Deferred Development District (RCD) Zone

Date introduced: / / 03

Public Hearing: 05 / 05 / 03

Commissioners Action: 06 / 16 / 2003 Enact

Commissioner Votes: WC: Yes , RF: Yes , ML: Yes , DM: Yes , AS: Yes

Pass/Fail: Pass

Effective Date: 06 / 26 / 2003

Remarks: Planning and Growth Management File: ZTA 03-63

NOTE: CAPITALS indicate matter added to existing text. [Brackets] indicate matter deleted from existing law. CAPITALS WITH UNDERLINE indicate matter added to the Bill since the Public Hearing. ~~Strikeouts~~ indicate matter deleted from the Bill since the Public Hearing

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2003 Legislative Session

Bill No. _____

Chapter. No. _____

Introduced by _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 **Neighborhood Conservation Areas**

3 **in the**

4 **Rural Conservation Deferred Development District (RCD) Zone**

5 FOR the purpose of

6
7 Allowing Neighborhood Conservation Areas identified in the Charles County
8 Comprehensive Plan which are in the Rural Conservation Deferred Development District
9 zone, RC(D), to subdivide at a dwelling unit density less than the established density under
10 certain criteria.

11
12 BY repealing and reenacting, with amendments:

13 Article V, Section 297-75, Residential Density and Article V, Section 297-88, Rural Zones

14
15 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES
16 COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

17 **Chapter 297 : Zoning**

18 **Section 297-88: Rural Zones**

1 A. *Objectives.* The Rural Conservation (RC) and Rural Residential (RR) Zones are intended
2 to maintain rural character in many County areas consistent with the *Comprehensive Plan*
3 objectives.

4
5 (1) **RC - Rural Conservation Zone.** This zone maintains low-density residential
6 development, preserves the rural environment and natural features, and established
7 character of the area. It also maintains existing agricultural and aquacultural activities and
8 the land base necessary to support these activities.

9
10 (2) **RR - Rural Residential Zone.** This zone provides for low to moderate residential
11 densities in areas closer to portions of the Development District and Incorporated Towns.
12 These areas contain or are within the sphere of influences of community facilities and
13 services including schools and are in proximity to major transportation network
14 components.

15
16 (3) **RC(D) - Rural Conservation Deferred Development District.** This zone
17 maintains low-density residential development, preserves the rural environment and natural
18 features, and established character of the area. It also maintains existing agricultural and
19 aquacultural activities and the land base necessary to support these activities. The density AND
20 LOT AREA provisions of the RC(D) zone and the Table of Permissible Uses shall apply to any
21 property zoned RC(D) EXCEPT AS SET FORTH IN SECTION 297-88 D. All other provisions
22 of the Zoning Ordinance regarding the RC zone shall apply to any property zoned RC(D). The
23 County Commissioners will reconsider all RC(D) zoning on a not less than 5 year basis as part of,
24 and concurrent with the update of the Comprehensive Plan, or sooner if deemed appropriate by
25 the County Commissioners.

26
27 B. *General regulations.* Minimum lot area, area per dwelling unit, building setback from
28 adjacent lot lines, lot width, front yard, side yard, rear yard, and maximum building height, as
29 displayed in Figure VI-2, shall apply subject to other requirements of this Ordinance.

1 C. *Specific regulations REGARDING THE RIGHT TO FARM* . The following provisions for
2 the protection of agricultural uses will apply:

3
4 (1) Any agricultural use of land is permitted.

5
6 (2) Operation, at any time, of machinery used in farm production or the primary
7 processing of agricultural products is permitted.

8
9 (3) Normal agricultural activities and operations in accordance with good husbandry
10 practices, which do not cause bodily injury or directly endanger human health, are
11 permitted and preferred activities, including activities which may produce normal
12 agriculturally related noise and odors.

13
14 (4) The sale of farm products produced on the farm where the sales are made is
15 permitted.

16
17 (5) The Planning Commission may, upon findings of fact, require the establishment of
18 buffer zones where necessary to protect abutting agricultural or rural countryside
19 conservation zone areas from the impact of the subdivisions hereafter approved.

20
21 D. *SPECIFIC REGULATIONS AFFECTING NEIGHBORHOOD CONSERVATION AREAS*
22 *IN THE RC(D) ZONE.* LOTS LOCATED IN THE NEIGHBORHOOD
23 CONSERVATION AREAS IDENTIFIED IN THE CHARLES COUNTY
24 COMPREHENSIVE PLAN WHICH ARE IN THE RURAL CONSERVATION
25 DEFERRED DEVELOPMENT DISTRICT ZONE, RC(D), MAY SUBDIVIDE AT A
26 DENSITY OF 1 DWELLING UNIT PER ACRE SUBJECT TO THE FOLLOWING
27 CONDITIONS:

28
29 (1) RL STANDARDS FOR HEIGHT, BULK AND DENSITY FOUND IN SECTION

1 297-90 SHALL APPLY AND THE AREA OF THE ADDITIONAL LOTS
2 CREATED SHALL NOT BE LESS THAN THE AVERAGE LOT AREA IN THE
3 IDENTIFIED NEIGHBORHOOD CONSERVATION AREA.
4

5 (2) PARCELS TO BE SUBDIVIDED SHALL BE 10 ACRES OR LESS IN AREA.
6

7 (3) THE SUBDIVISION OF LAND SHALL MEET THE REQUIREMENTS OF A
8 MINOR SUBDIVISION SET FORTH IN THE CHARLES COUNTY
9 SUBDIVISION REGULATIONS AND SHALL NOT IN ANY CASE EXCEED
10 THE CREATION OF 3 LOTS INCLUDING THE PARENT PARCEL.
11

12 (4) PROPERTIES TO BE SUBDIVIDED SHALL BE LOCATED WHOLLY
13 WITHIN THE NEIGHBORHOOD CONSERVATION DISTRICTS AS SHOWN
14 ON THE LAND USE CONCEPT MAP ADOPTED AS PART OF THE
15 CHARLES COUNTY COMPREHENSIVE PLAN, 1997. ANY
16 INTERPRETATIONS OF THE NEIGHBORHOOD CONSERVATION
17 DISTRICT BOUNDARIES SHALL BE MADE BY THE DIRECTOR OF
18 PLANNING.
19

20 [D] E. *Permitted uses.* The permitted uses within the rural zones shall be in conformance
21 with the uses permitted in the Table of Permissible Uses.
22

23 Amend Figures V-1 and V-2 in Article V, Residential Density as incorporated herein.
24

25 Amend Figure VI-2, Schedule of Zone Regulations: Rural Residential Zones as incorporated
26 herein.
27

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2

3

SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect ten (10)
calendar days after it becomes law.